

# STATE OF COLORADO

Roy Romer, Governor  
Patti Shwayder, Executive Director

*Dedicated to protecting and improving the health and environment of the people of Colorado*

## HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

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Colorado Department  
of Public Health  
and Environment

July 15, 1997

Certified Mail # **P 254 221 314**  
Return Receipt Requested

Ms. Karan North  
Kaiser-Hill, L.L.C  
Rocky Flats Environmental Technology Site  
P.O. Box 464  
Golden, CO 80402

**RE: Compliance Advisory for July 2, 1997, Inspection; EPA ID# CO7890010526**

Dear Ms. North:

On July 2, 1997, inspectors from the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the "Division"), conducted a compliance inspection of the 750 Pad (RCRA Units 750.1 and 750.2A, B and C) and the 904 Pad (RCRA Units 15A and 15B). Attached is a Compliance Advisory that details the regulatory deficiencies identified during the inspection of those units.

In addition to the deficiencies identified on the attached Compliance Advisory, Division inspectors identified a number of findings that you should be aware of. The Division has chosen to identify the following issues as findings rather than deficiencies because of the history behind these issues and because there are ongoing programs to address these findings. The following findings will be evaluated during future compliance inspections; however, corrective action for such findings is not necessary by the date of July 31, 1997, as specified in the attached Compliance Advisory.

1. Special unit condition number four of the RFETS RCRA Permit applicable to Unit 750.1 and 15B allows the posting of a single hazardous waste label at the entrance to those units, in lieu of labeling each individual container. The RFETS RCRA Permit does not clearly specify the information that must be identified on these labels, in particular with regard to accumulation start dates. The Division recognizes that this information is being maintained as part of the operating record (i.e., in the Waste and Environmental Management System [WEMS]). Therefore, the Division recommends that Kaiser-Hill provide a Class I permit modification during the next modification process to clearly state that accumulation start dates for crates of saltcrete and pondcrete stored in Units 750.1, 15B, and 24 will be maintained in WEMS, rather than identified on each container label during the period of on-site storage.

**ADMIN RECEIVED**

2. The RFETS RCRA Permit and the Colorado Hazardous Waste Regulations require containers used for the storage of hazardous waste to be maintained in good condition. Many of the wooden crates in storage at Unit 750.1, Tent 12, were bulging and appeared to be in poor condition. The Division recognizes that this category of waste is one of the first to be shipped off-site for treatment and disposal per special unit condition number 6 applicable to RCRA Units 750.1 and 15B. Additionally, because efforts are underway to control run-on at these units and to provide additional cover for these crates in the event that one or more tent panels are damaged, the Division is not requiring corrective action for such crates, at this time.
3. The RFETS RCRA Permit condition number III.B.9 specifies that hazardous waste container labels must not be obstructed from view. This raises an issue for crates being stored outside that must be covered with tarps. The Division recognizes that this has been an ongoing issue; however, there are methods available to affix labels to tarps in order to meet this permit condition. Alternatively, such crates can be moved to a covered storage area, which would eliminate the concern.

The Division believes that the remaining issues identified on the attached Compliance Advisory are self-explanatory and can be easily remedied. Therefore, the Division is requesting a written response to the compliance issues identified on the Compliance Advisory by July 31, 1997.

Please contact James Hindman or Ed Smith of my staff at (303) 692-3345 or (303) 692-3386, respectively, if you foresee difficulty meeting the July 31 deadline or if you have questions regarding this matter.

Sincerely,



Joe Schieffelin, Unit Leader  
Federal Facilities Permitting and Compliance  
Hazardous Materials & Waste Management Division

cc: Dan Miller, AGO  
Steve Tarlton, CDPHE  
Tim Rehder, EPA  
Bob April, DOE  
John Wrapp, K-H  
Gary Konwinski, RMRS  
Jefferson County Health Department

HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION  
COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
4300 CHERRY CREEK DRIVE SOUTH, DENVER, CO 80222-1530

COMPLIANCE ADVISORY

FACILITY: Rocky Flats  
Environmental  
Technology Site  
(RFETS)

EPA ID #: CD 7890010526

DATE: July 15, 1997

ADDRESS:

P.O. BOX 464, Golden CO 80402

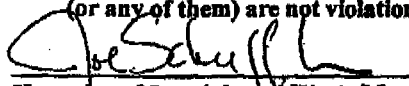
This Compliance Advisory provides notice related to information gained during inspection of the above named facility on the date shown. We advise you that the Inspector(s) believes that the "Deficiencies" listed below are violations of Colorado's hazardous waste laws and the "Potential Deficiencies" listed below may be violations of Colorado's hazardous waste laws. Division personnel will review the facts established during this inspection and this notice may be revised to include additions or clarifications as a result of that review.

Please be aware that you are responsible for complying with the State hazardous waste regulations and that there are substantial administrative and civil penalties for failing to do so. Section 25-15-309, C.R.S. provides that any person who violates Section 25-15-308, C.R.S., which includes the Colorado Hazardous Waste Act ("the Act"), Sections 25-15-101 to 316, C.R.S., and the Colorado Hazardous Waste Regulations, 6 CCR 1007-3, may be subject to an administrative penalty of not more than \$15,000 per violation per day during which such violation occurs or to a civil penalty of not more than \$25,000 per violation per day during which such violation occurs. The issuance of this Compliance Advisory does not limit or preclude the Department from pursuing its enforcement options concerning this inspection including issuance of a Compliance Order and assessment of penalties. Also, this Compliance Advisory does not constitute a bar to enforcement action for conditions that the inspectors did not observe or evaluate, or conditions found during future inspections of your facility.

To avoid additional enforcement action or reduce the penalties described above you must either correct the "Deficiencies" and "Potential Deficiencies" within a reasonable time, or you must demonstrate to the Division that the "Deficiencies" and "Potential Deficiencies" are not violations of Colorado's hazardous waste laws.

To close out this Compliance Advisory, we encourage you to contact the Compliance Officer listed below, and where necessary, schedule a meeting:

- A) To discuss the Compliance Advisory and answer any questions you may have;
- B) To develop a schedule for correcting the "Deficiencies" and "Potential Deficiencies"; or
- C) To submit information necessary to successfully show that the "Deficiencies" and "Potential Deficiencies" (or any of them) are not violations of Colorado's hazardous waste laws.

 , Compliance Officer  
Hazardous Materials and Waste Management Division  
Colorado Department of Public Health & Environment  
Mail Code: HMWMD-HWC-B2  
4300 Cherry Creek Drive South  
Denver, Colorado 80222-1530  
Tel: (303) 692-3300

Failure to respond in a timely fashion to this Compliance Advisory will be considered in any subsequent enforcement action and the assessment of administrative and/or civil penalties.

COMPLIANCE ADVISORYPAGE 2 OF 3

|   |                           |                        |
|---|---------------------------|------------------------|
| FACILITY:<br>RFETS  | EPA ID.#:<br>C07890010526 | DATE:<br>July 15, 1997 |
| DEFICIENCIES, POTENTIAL DEFICIENCIES, OR CONCERNS NOTED   |                           |                        |
| <p>1. Failure to keep containers closed. This applied to containers M01438/M01439 and M01271/M01355 in RCRA Unit 15B, Tent II, that were being used to consolidate liquids removed from crates of concrete. This is a deficiency of 6 CCR 1007-3 Section 264.173. <i>plastic lids →</i></p> <p>2. Failure to maintain adequate aisle space. This applied to container #085014 in RCRA Unit 750.1, Tent #5. This is a deficiency of 6 CCR 1007-3 Section 265.35 and the RFETS RCRA Permit condition III.B.13. Corrected during inspection.</p> <p>3. Failure to block containers in RCRA Unit 15A where a 5 or 10-gallon container is stacked on top of a 55 or 85-gallon container. This applied to containers in Cargo Container 15-27. This is a deficiency of the RFETS RCRA Permit condition III.B.14.C. Corrected during inspection.</p> <p>4. Failure to post maps showing the primary and secondary evacuation routes or assembly areas at entrances to RCRA Units 15A, 15B, 750.1, and 750.2A, B, and C. This is a violation of the RFETS RCRA Permit Condition I.VI.E.F.</p> |                           |                        |
| (MAY BE CONTINUED ON ADDITIONAL PAGES)  |                           |                        |
| <p>I acknowledge that the "Deficiencies" and "Potential Deficiencies" listed above have been identified for me and I have been advised to contact the above-listed Compliance Officer to close out this Compliance Advisory. I have also been advised that failure to respond in a timely fashion to this Compliance Advisory will be considered in the issuance of any subsequent enforcement action and the assessment of greater administrative and/or civil penalties.</p> <p>_____<br/>Facility Representative</p>   |                           |                        |

COMPLIANCE ADVISORYPAGE 3 OF 3

|   |                           |                        |
|---|---------------------------|------------------------|
| FACILITY:<br>RFETS  | EPA ID.#:<br>CO7890010526 | DATE:<br>July 15, 1997 |
| DEFICIENCIES, POTENTIAL DEFICIENCIES, OR CONCERNS NOTED (continued)   |                           |                        |
| 5. Failure to keep annual hazardous waste <sup>2-5</sup><br>refresher training current for Steven Horn<br>and John Thompson and Mark D-Agostino, <sup>2-3</sup><br>based on a review of a TSR Report. This is<br>a deficiency of 6 CCR 1007-3 Section 264.16. |                           |                        |
| 2-5 no record of training, but February by the unit<br>conducted - Supply documentation at the time of<br>the training. TSR review Training Scheduling Record<br>submitted to TSR.  |                           |                        |
| (MAY BE CONTINUED ON ADDITIONAL PAGES)  |                           |                        |